S.B. CIVIL CONTEMPT PETITION 123/2006
(Anand Prakash Joshi Vs. Surendra Kumar& ors.)

Date of Order :: 17.07.2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Sanjeet Purohit for the petitioner
Mr.V.K.Mathur for the respondents

By the order dated 03.08.2005 passed in Writ Petition No.4572/2005 further recovery in pursuance of the impugned letter dated 17.06.2004 (Annex.10) and impugned order dated 18.07.2005 (Annex.14) was ordered to be stayed.

The petitioner has filed this contempt petition with the submissions that despite apprising non-petitioners about the stay order, they had attempted to circumvent; and after receiving of the said stay order, non-petitioner No.4 sent a cheque of Rs.5,099/- against the salary of July 2005 that was falling short of requisite amount of salary and other emoluments admissible to the petitioner. The petitioner has further alleged that thereafter on 25.02.2006 the non-petitioner sent a cheque worth Rs.17,928/- said to be the provisional amount of pension and such amount has also been worked out and calculated in defiance of the stay order granted by this Court.

After issuance of notice, in reply the non-petitioners – contemners have submitted that cheque in relation to the

salary was prepared on 30.07.2005 and as the same was not collected by the petitioner on 01.08.2005 it was sent by registered post to the petitioner on 17.08.2005. The respondents have submitted that immediately upon receipt of the stay order, the competent authority has issued order on 09.08.2005 keeping in abeyance recovery from the petitioner. It has also been submitted that cheque of provisional pension was sent with reference to the last pay drawn and there was no willful disobedience.

Having examined the submissions as made in the reply, this Court is satisfied that no case of any willful disobedience is made out against the non-petitioners.

The contempt petition is, therefore,rejected. Notices are discharged.

(DINESH MAHESHWARI), J.

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